

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JASON LEE NIEMAN,

Plaintiff

v.

C-1-12-402

BETH W. MURPHY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 43) to which neither party has objected. On April 20, 2013, plaintiff filed Plaintiff's Opposition to the Report and Recommendation and Combined Motion Seeking Leave to File His Fourth Amended Complaint (doc. no. 44). Subsequently, plaintiff filed Plaintiff's Motion to Withdraw His Opposition to the Report and Recommendation and to Withdraw His Combined Motion Seeking Leave to File His Fourth Amended Complaint (doc. no. 45). The Motion (doc. no. 45) is GRANTED and plaintiff's

opposition is withdrawn and the Motion Seeking Leave to File His Fourth Amended Complaint is DENIED AS MOOT.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted. The Report and Recommendation of the United States Magistrate Judge (doc. no. 43) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE.

Defendant's Motion to Dismiss Plaintiff's Amended Complaint (doc. no. 24) is GRANTED and plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE. Plaintiff's Motions to File a Second and Third Amended Complaint (doc. nos. 28, 31) are DENIED. Plaintiff's Motion to Withdraw His Motion to Strike (doc. no. 39) is GRANTED and plaintiff's Motion to Strike (doc. no. 35) is STRICKEN FROM THE RECORD. Plaintiff's Motion to Strike Defendant's Supplementation (doc. no. 37) is DENIED as moot.

This case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court